IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 18th day of April, 2006
Crl. 2nd Bail Application No. 138 of 2006

Order on the Bail Application:

CRIMINAL SIDE

Subhash S/o Kalu Bhagat
R/o Village Jaurasi,
P.S. Kotwali Roorkee,
District Haridwar. ….**Applicant**

Versus

State of Uttaranchal **…… Opposite Party**

Arising out of Crime No. 123 of 2005
Under Sections: 302, 307 of the I.P.C.
Police Station: Kotwali Roorkee
District: Haridwar.

Hon'ble P. C. Pant, J.

Heard Mr. S.P.S. Panwar, Sr. Advocate, learned counsel for the applicant, Ms. Jyotsana, learned counsel for the complainant and Mr. Sohail A. Sid dique, learned A.G.A. for the State.

The applicant is in jail in connection with crime No. 123 of 2005, under Section 302 and 307 of the I.P.C., registered with P.S. Kotwali Roorkee, District Haridwar.

The first bail application of the applicant was rejected on 25.01.2006 as none appeared to press said application on that day.

There are four accused named in the F.I.R., who were assigned role in the commission of the crime. It is submitted by learned counsel for the applicant that accused Jai Prakash, accused Inder and accused Surendra have been enlarged on bail by another bench of this Court on 05.10.2005, 19.09.2005 and 19.09.2005. The first two accused were alleged to be armed with the gun and the third one was alleged to be armed with a

country made pistol. The present applicant is alleged to be armed with 'TABAL' (sharp edged weapon). The postmortem report shows that there were incised wound as well as gun shot ante mortem injuries were found on the body of the deceased. It is also argued on behalf of the applicant that there are injuries on the side of the accused persons, who got cross F.I.R. lodged under Section 147, 148, 149, 323, 325, 307, 504, 452 and 301 of the I.P.C.

Considering the above facts including that the other co-accused have been enlarged on bail, the applicant Subhash also deserves bail. Accordingly, the bail application is allowed. Let the applicant be released on bail on his executing a personal bond and furnishing two sureties each of the like amount to the satisfaction of the Chief Judicial Magistrate concerned.

Dt. 18.04.2006 **(P.C. Pant, J.)**

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